

County of Santa Clara

Department of Environmental Health

Consumer Protection Division

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716

Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0302801 - BANH MI OVEN	Site Address 1143 STORY RD 196, SAN JOSE, CA 95122	Inspection Date 03/18/2025
Program PR0452650 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name BANH MI OVEN INC	Inspection Time 14:00 - 15:30
Inspected By HENRY LUU	Inspection Type FOLLOW-UP INSPECTION	Consent By PHUONG

Placard Color & Score

YELLOW
N/A

Comments and Observations

Major Violations

Cited On: 03/18/2025

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Kitchen employee observed returning from break and began donning on gloves to conduct food preparation without washing hands.

Follow-up By
03/20/2025

[CA] Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:

- (1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.**
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.**
- (3) Immediately after using the toilet room and again when returning into the kitchen.**
- (4) After caring for or handling any animal allowed in a food facility in pursuant to this part.**
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.**
- (6) After handling soiled equipment or utensils.**
- (7) During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.**
- (8) When switching between working with raw food and working with ready-to-eat foods.**
- (9) Before initially donning gloves for working with food.**
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.**
- (11) After engaging in other activities that contaminate the hands.**

Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.

[COS] Instructed employee to properly wash hands.

Cited On: 03/18/2025

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Two prepackaged spring rolls maintained out in ambient temperature at the cash register measured at 68F. Employee stated that the spring rolls were prepared an hour prior and is discarded after one hour. No means of temperature control nor time control observed.

Follow-up By
03/20/2025

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[SA] PHF item will be subjected to time as a public health control and shall be discarded after 4 hours.

Minor Violations

Cited On: 03/18/2025

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Right side hand wash sink inside the men's restroom of the shared plaza lacked cold water.

[CA] An approved, adequate, protected, pressurized, potable supply of hot water and cold water shall be provided.

Cited On: 03/18/2025

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

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Inspector Observations: *Observed employee washing cilantro at the three-compartment sink inside unit 196/198. Unit 196/198 lacks a dedicated food preparation sink.*

Owner has second facility, unit 192, in which a food preparation sink is available.

At time of follow-up, employee stated that they do not have access to unit 192 and that vegetables are washed at the three-compartment sink in unit 196/198.

[CA] *Food preparation shall only occur in approved areas.*

**** Facility is to immediately cease and desist conducting any washing of fruits or vegetables inside unit 196/198.**

- As outlined in permit condition during the plan check final inspection:

- Facility must have access to and use of unit 192 to support their operation.**
- Facility (unit 196/198) may not wash fruits or vegetables in this facility. There is no food preparation sink available.**

Cited On: 03/18/2025

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

Inspector Observations: *Observed single butane burner maintained inside facility that appears to have been used recently - oily pan and oil splatter with some food debris on the burner itself.*

Facility (unit 196/198) lacks dedicated ventilation hood. Additionally, cooking equipment is not approved for use.

[CA] *Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.*

******* Remove cooking equipment.**

Cited On: 03/18/2025

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations: *Facility does not have mop sink within facility. Facility is using ancillary unit (unit 192) for mop sink, however, ancillary unit was closed during an inspection for evidence of a vermin infestation.*

[CA] *At least one curbed cleaning facility or janitorial sink equipped with hot and cold water and drain shall be provided.*

[SA] *Facility is to immediately cease and desist any opened food preparation. Facility is to only sell prepackaged food items only.*

Measured Observations

N/A

Overall Comments:

- Program identifier is for retail space in the front (unit 196/198).**

- On-site for follow-up inspection after facility earned a conditional pass during a routine inspection on 2/11/2025, and another conditional pass on the first follow-up on 2/17/2025.

- Current follow-up will be charged at \$298/hour, minimum one hour.**

- At time of second follow-up inspection, two or more major violations were observed.

- Facility has earned another conditional pass.**
- Third follow-up inspection will be charged at \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/hour, minimum two hours, during non-business hours, and upon inspector availability.**

- The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed,**

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covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

***** Note:**

- Facility was found not abiding by permit conditions set by this Division.
 - Facility at time of inspection did not have access to unit 192 to support their operation.
 - Additionally, unit 192, was closed due to the evidence of a vermin infestation.
 - Facility was found conducting food preparation without a food preparation sink available.
- Because ancillary facility (unit 192) was closed, facility is to cease and desist all opened food sales and preparation.
 - Facility is prohibited from all opened food service activities which include, but not limited to: preparation, service, handling, distribution, and sale.
- Owner has failed to provide contractual agreement between Tasty Pot (neighboring facility) to provide employee access to conveniently located restrooms.
 - Employees are provide restrooms in the upstairs area that is shared among tenants of the plaza.
 - Additional permit conditions will be placed on facility:
 - Full access to restrooms shall be provided for employees in the upstairs area of the shared plaza at all times of operation. Owner/facility shall notify the Department of Environmental Health (DEH) immediately if lease agreement or usage agreement between Banh Mi Oven and the landlord of the plaza for restroom is changed or terminated.
- Owner/facility will be summoned for office hearing if conditional pass is earned on third follow-up inspection.
- Owner stated that all food is prepared at their other facility - 221 E San Fernando St, San Jose - PR0301011.
 - Owner shall submit standard operating procedures (SOPs) for the preparation, production, and transportation of all foods between facilities.
- At time of inspection, owner and landlord disputed the ownership and usage of back kitchen (unit 192).
 - Provide contractual agreement between landlord and Banh Mi Oven for the approved use of the mop sink.

When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **4/1/2025**. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

Legend:

[CA]	Corrective Action
[COS]	Corrected on Site
[N]	Needs Improvement
[NA]	Not Applicable
[NO]	Not Observed
[PBI]	Performance-based Inspection
[PHF]	Potentially Hazardous Food
[PIC]	Person in Charge
[PPM]	Part per Million
[S]	Satisfactory
[SA]	Suitable Alternative
[TPHC]	Time as a Public Health Control


Received By: Kim Nguyen
Manager
Signed On: March 18, 2025